

**REMARKS**

**I. STATUS OF THE CLAIMS**

Claims 1 and 3 have been amended.

Claims 6-11 have been canceled.

New claims 12-14 are currently pending.

In view of the above, it is respectfully submitted that claims 1-5 and 12-14 are currently pending.

**II. OBJECTION TO THE DRAWINGS**

FIGS. 17 and 18 were objected to for lacking a prior art legend. Applicants have added a legend and presently submit replacement sheets to overcome the objection. A withdrawal of the objection against FIGS. 17 and 18 is respectfully requested.

FIG. 10 was also objected to as failing to include reference numerals for the "upper dead center" and "lower dead center" features of the vertical slit feature, described in the specification on page 39. Applicants have amended FIG. 10 to show reference numerals 86f and 86e and presently submit a replacement sheet for FIG. 10 to overcome the objection. Moreover, Applicants have amended the Disclosure on page 39, accordingly to include the reference numerals, 86f and 86e, as added to FIG. 10, into the Disclosure.

In FIG. 7, reference numeral 74c has been amended to 74i to correspond correctly with its respective reference in the Disclosure, at page 35, line 7.

**III. OBJECTION TO SPECIFICATION**

The Abstract was objected to because it was more than 150 words. Applicants have amended the Abstract to be less than 150 words. A withdrawal of the objection against the Abstract is respectfully requested.

The Specification was objected to because of the many lengthy sentences in claim format. Applicants respectfully submit the present amendments to the Specification overcome the Examiner's objections. A withdrawal of the objection against the Specification is respectfully requested.

Moreover, Applicants have amended the Disclosure at the paragraph beginning on the bottom of page 34, to add the references to the reference numerals in FIG. 10. No new matter has been added.

**IV. REJECTION UNDER 35 U.S.C. § 112 OF CLAIMS 1-5 AS BEING INDEFINITE AND LACKING ANTECEDENT BASIS FOR CERTAIN LIMITATIONS**

The claims are amended to overcome the rejection.

**V. REJECTION OF CLAIMS 1-2 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY POLZER (US 1,962,874).**

Claim 1 recites *inter alia* a stapler including a horizontal base and an operation handle wherein *said operation handle is without a spring between itself and the connected staple assembly*.

Please note that claim 1 is amended to clarify the above-described features. Support for the amendments if found, for example, on page 28, lines 4-14; page 60, line 14 to page 61, line 16; page 60, line 1 to page 61, line 16; and page 62, lines 1-11, of the specification.

The Examiner correlates the hand lever 44 and the housing 24 of Polzer with the operation handle and the staple mount magazine, respectively, of claim 1. However, the hand lever of Polzer, as depicted in FIG. 16, shows the use of a coil spring 40 between the hand lever and the housing. In contrast, claim 1 recites "said operation handle is without a spring between itself and the connected staple assembly."

The above comments are specifically directed to claim 1. However it is respectfully requested that the comments would be helpful in understanding various differences of various other claims over the cited reference.

In view of the above, it is respectfully submitted that the rejection is overcome.

**VI. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIMS 3-5 AS BEING UNPATENTABLE OVER EBIHARA (US 4,784,307) IN VIEW OF POLZER**

Claim 3 recites *inter alia* a stapler including a horizontal base, an operation handle, a staple striking blade plate, and a staple mount magazine, said staple mount magazine has a mount case, a feed mechanism and a staple lowering slit, said feed mechanism includes a mount sensor, a pusher piece, a pusher piece engaging member, a pusher piece traction spring, and a release lever rotating plate.

Please note that claim 3 is amended to clarify the above-described features. Support for the amendments is found, for example, on page 30, lines 2-4; page 32, line 6 to page 33, line 6; and page 62, lines 1-11, of the specification.

The Examiner contends that Ebihara teaches or suggests the feed mechanism of claim 3. Specifically, the Examiner correlates the locking member 42 of Ebihara with the mount sensor feature of claim 3. However, Ebihara does not describe the locking member as "having a structure being displaced and deformed by sensing presence or absence of the connected staple assembly," for example, as recited in claim 3. Moreover, nowhere in the passages cited by the Examiner is described anything mounted directly below the locking member. In contrast, claim 3 recites "said release lever rotating plate is mounted directly below the mount sensor," as part of the feed mechanism.

The above comments are directed to claim 3, however it is respectfully submitted that the comments would be helpful in understanding various differences of various claims over the cited references.

In view of the above, it is respectfully submitted that the rejection is overcome.

#### IV. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge the fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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